

Kavanagh & Kavanagh, LLC

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Attorney for Defendant, County of Cumberland

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Albert Ronald Thompson	:	
786 Roadstown Road	:	Civil Action No.: 1:121-CV-06864
Bridgeton, NJ 08302	:	(NLH)(JS)
Plaintiff,	:	
v.	:	Answer and Affirmative Defenses
Bridgeton Board of Education	:	
41 Ban Street	:	
Bridgeton, NJ 082302; and	:	
City of Bridgeton	:	
181 East Commerce Street	:	
Bridgeton, NJ 08302; and	:	
County of Cumberland	:	
790 East Commerce Street	:	
Bridgeton, NJ 08302; and	:	
Terrell Everett	:	
Individually and in his Official Capacity as	:	
Director of Human Resources	:	
41 Bank Street	:	
Bridgeton, NJ 08302; and	:	
John Does 1-10;	:	
	:	
	:	
Defendants.	:	

Defendant, County of Cumberland, with an address of 790 E. Commerce Street, Bridgeton, in the County of Cumberland and State of New Jersey, states, by way of Answer to the Complaint filed by Albert Ronald Thompson:

INTRODUCTION

1. Plaintiff did not work for defendant, County of Cumberland.

JURISDICTION

2. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

3. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

4. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

PARTIES

5. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

6. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

7. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

8. Admitted. County of Cumberland is a government entity organized and recognized by the State of New Jersey, with a principal place of business located at the above captioned address. County of Cumberland does not direct, manage and/or control co-defendant, Bridgeton Board of Education.

9. Denied. County of Cumberland was not an employer of plaintiff.
10. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.
11. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.
12. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.

FACTS

13. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.
14. This defendant is without sufficient information or belief to either admit or deny and leaves plaintiff to his proofs.
15. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.
16. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.
17. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

18. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

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33. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

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COUNT I – BREACH OF CONTRACT

40. Defendant incorporates the responses set forth previously in paragraphs 1-39 as stated here at length.

41. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

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WHEREFORE, the defendant, County of Cumberland, demands judgment dismissing plaintiff's complaint and awarding defendant attorney fees and costs.

COUNT II – 42 U.S.CA. § 2000 E-3(A), AS AMENDED BY THE CIVIL RIGHTS ACT OF 1991 [Title VII]

48. Defendant incorporates the responses set forth previously in paragraphs 1-47 as stated here at length.

49. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

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WHEREFORE, the defendant, County of Cumberland, demands judgment dismissing plaintiff's complaint and awarding defendant attorney fees and costs.

COUNT III – VIOLATIONS OF 42 U.S.C. § 1983, et seq.

66. Defendant incorporates the responses set forth previously in paragraphs 1-65 as stated here at length.

67. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

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WHEREFORE, the defendant, County of Cumberland, demands judgment dismissing plaintiff's complaint and awarding defendant attorney fees and costs.

COUNT IV – VIOLATIONS OF N.J.S.A. 10:5-12 (LAD)

73. Defendant incorporates the responses set forth previously in paragraphs 1-72 as stated here at length.

74. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

75. The allegations contained within this paragraph of plaintiff's complaint are not directed to this defendant and therefore no response is required. If an answer is necessary this defendant denies the allegations contained herein.

WHEREFORE, the defendant, County of Cumberland, demands judgment dismissing plaintiff's complaint and awarding defendant attorney fees and costs.

AFFIRMATIVE DEFENSES

1. At the times and places alleged in this Complaint, this defendant was not guilty of any actionable misconduct which was a proximate cause of the alleged incident(s) and/or damages of which the plaintiff complains.
2. Plaintiff's complaint is barred by reason of the Statute of Limitations or other applicable rules, statutes or regulations controlling or requiring the initiation of a suit within a certain period of time following the accrual of the cause of action.
3. This defendant violated no legal duty to the plaintiff.
4. The complaint herein fails to state a claim upon which relief can be granted as to this defendant and this defendant reserves the right to move, at or before the time of the trial, to dismiss the complaint for failure to state a claim upon which relief can be granted.
5. Any incident alleged in plaintiff's complaint resulted from circumstances and conditions beyond the control of this defendant.
6. The complaint is barred by the applicable provisions of N.J.S.A. 59:1-1, et seq.
7. The plaintiff did not suffer any violation of any rights, privileges, or immunities secured by the Constitution of the United States or of New Jersey attributed to this defendant.
8. This defendant did not violate the right of the plaintiff under 42 U.S.C. §200e-1 and/or the Civil Rights Act, 42 U.S.C. §1981 *et seq.*

9. Any monetary damages allegedly awardable to plaintiff were not caused by or arose out of any customs, policies or practices of this defendant.

10. Plaintiff's injuries and/or damages were not proximately caused by any act or omission to act of this defendant.

WHEREFORE, the Defendant, County of Cumberland, demands judgment dismissing plaintiff's complaint with an award of attorney fees and costs.

DEMAND FOR TRIAL BY JURY

TAKE NOTICE that Defendant demands a trial by jury on all issues.

Dated this 16th day of November 2012.

Kavanagh & Kavanagh, LLC

/S/ *Brendan J. Kavanagh*

Brendan J. Kavanagh, Esquire
Attorney for Defendant
County of Cumberland